

ASSEMBLY BILL

No. 1408

Introduced by Assembly Member Wolk
(Coauthor: Senator Torlakson)

February 21, 2003

An act to amend Sections 21201 and 21800, to repeal and add Section 21202, and to repeal Section 21208, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1408, as introduced, Wolk. Vehicles: bicycles: equipment: operation.

(1) Existing law requires a bicycle operated on a highway during darkness to be equipped with certain lighting equipment.

This bill would authorize additional lighting equipment to be used in compliance with the requirement in existing law.

(2) Existing law requires a person operating a bicycle upon a highway to ride as close as practicable to the right-hand curb or edge of the roadway, except as specified.

This bill would require persons riding bicycles 2 or more abreast upon a highway to merge into a single file as needed for faster traffic to overtake lawfully at a safe distance. Because a violation of this requirement would be an infraction under other provisions of existing law, the bill would imposed a state-mandated local program by creating a new crime.

(3) The bill would make technical, nonsubstantive changes in existing law.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21201 of the Vehicle Code is amended
2 to read:

3 21201. (a) No person ~~shall~~ *may* operate a bicycle on a
4 ~~roadway~~ *highway* unless it is equipped with a brake ~~which will~~
5 ~~enable that enables~~ the operator to make one braked wheel skid on
6 dry, level, clean pavement.

7 (b) No person ~~shall~~ *may* operate on the highway any bicycle
8 equipped with handlebars so raised that the operator must elevate
9 his *or her* hands above the level of his *or her* shoulders in order to
10 grasp the normal steering grip area.

11 (c) No person ~~shall~~ *may* operate upon any highway a bicycle
12 ~~which that~~ *is of such a size as to prevent a size that prevents* the
13 operator from safely stopping the bicycle, supporting it in an
14 upright position with at least one foot on the ground, and restarting
15 it in a safe manner.

16 (d) Every bicycle operated upon ~~any~~ *a* highway during
17 darkness shall be equipped ~~(1) with a lamp emitting a white light~~
18 ~~which, while the bicycle is in motion, illuminates the highway in~~
19 ~~front of the bicyclist and is visible from a distance of 300 feet in~~
20 ~~front and from the sides of the bicycle; (2) with a red reflector on~~
21 ~~the rear which shall be visible from a distance of 500 feet to the rear~~
22 ~~when directly in front of lawful upper beams of headlamps on a~~
23 ~~motor vehicle; (3) with a white or yellow reflector on each pedal~~
24 ~~visible from the front and rear of the bicycle from a distance of 200~~
25 ~~feet; and (4) with a white or yellow reflector on each side forward~~
26 ~~of the center of the bicycle, and with a white or red reflector on~~
27 ~~each side to the rear of the center of the bicycle, except that~~
28 ~~bicycles which are equipped with reflectorized tires on the front~~
29 ~~and the rear need not be equipped with these side reflectors. Such~~
30 ~~reflectors and reflectorized tires shall be of a type meeting~~

~~requirements established by the department with all of the following:~~

~~(1) With either of the following lamps or lamp combinations in the front of the bicycle:~~

~~(A) A lamp emitting a white light that is both of the following:~~

~~(i) Capable of illuminating the highway in front of the bicyclist while the bicycle is in motion.~~

~~(ii) Visible from a distance of 300 feet in front and from the sides of the bicycle.~~

~~(B) A lamp or lamp combination that emits a white light, is attached to the operator, and is visible from a distance of 300 feet in front and from the sides of the bicycle.~~

~~(2) On the rear of the bicycle, with a steady or flashing red light or flashing yellow light, or with a red or yellow reflector that meets the requirements of the Consumer Product Safety Commission for bicycle rear reflectors or Standard J594 of the Society of Automotive Engineers, for reflex reflectors.~~

~~(3) A white or yellow reflector on each pedal, or a reflective band wrapped around each leg or ankle, that is visible from the front and rear of the bicycle from a distance of 200 feet.~~

~~(e) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front and from the sides of the bicycle, may be used in lieu of the lamp required by clause (1) of subdivision (d).~~

~~SEC. 2. Section 21202 of the Vehicle Code is repealed.~~

~~21202. (a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:~~

~~(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.~~

~~(2) When preparing for a left turn at an intersection or into a private road or driveway.~~

~~(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this~~

1 ~~section, a “substandard width lane” is a lane that is too narrow for~~
2 ~~a bicycle and a vehicle to travel safely side by side within the lane.~~

3 ~~(4) When approaching a place where a right turn is authorized.~~

4 ~~(b) Any person operating a bicycle upon a roadway of a~~
5 ~~highway, which highway carries traffic in one direction only and~~
6 ~~has two or more marked traffic lanes, may ride as near the left-hand~~
7 ~~curb or edge of that roadway as practicable.~~

8 SEC. 3. Section 21202 is added to the Vehicle Code, to read:

9 21202. (a) A person operating a bicycle upon a highway at a
10 speed less than the normal speed of traffic moving in the same
11 direction shall ride as close to the right-hand curb or edge of the
12 highway as needed for faster traffic to overtake lawfully at a safe
13 distance, if that position is prudent, safe, and reasonable, except as
14 authorized under subdivision (b) or (c).

15 (b) A person operating a bicycle upon a highway with a single
16 direction of travel may ride as near the left-hand curb or edge of
17 the highway as needed for faster traffic to overtake lawfully at a
18 safe distance, if that position is prudent, safe, and reasonable.

19 (c) In any of the following situations, a bicyclist may ride
20 anywhere within the travel lane of a highway as is reasonably
21 necessary for safe operation of a bicycle:

22 (1) When overtaking and passing another bicycle or vehicle.

23 (2) When preparing for a left turn.

24 (3) When conditions or approaching conditions make it unsafe
25 to continue riding close to the right-hand curb or edge of the
26 highway, including, but not limited to, hazards from fixed or
27 moving objects, vehicles, including the door width of parked
28 vehicles, other bicycles, pedestrians, animals, surface defects and
29 debris, construction zones, and lanes too narrow for a bicycle and
30 a vehicle to travel safely side by side within the lane.

31 (4) When approaching a place where a right turn is authorized.

32 (5) When there is no overtaking traffic or when overtaking
33 traffic may not pass lawfully at a safe distance under the present
34 conditions.

35 (d) Persons riding bicycles two or more abreast upon a highway
36 shall merge into a single file as needed for faster traffic to overtake
37 lawfully at a safe distance.

38 (e) For purposes of this section, a bicycle lane established on
39 the highway pursuant to Section 21207 and constructed and

1 maintained in compliance with Section 891 of the Streets and
2 Highways Code is part of the highway.

3 SEC. 4. Section 21800 of the Vehicle Code is amended to
4 read:

5 21800. (a) The driver of a vehicle approaching an
6 intersection shall yield the right-of-way to any vehicle ~~which~~ *that*
7 has entered the intersection from a different highway.

8 (b) (1) When two vehicles enter an intersection from different
9 highways at the same time, the driver of the vehicle on the left shall
10 yield the right-of-way to the vehicle on his or her immediate right,
11 except that the driver of any vehicle on a terminating highway shall
12 yield the right-of-way to any vehicle on the intersecting continuing
13 highway.

14 (2) For the purposes of this section, “terminating highway”
15 means a highway ~~which~~ *that* intersects, but does not continue
16 beyond the intersection, with another highway ~~which~~ *that* does
17 continue beyond the intersection.

18 (c) When two vehicles enter an intersection from different
19 highways at the same time and the intersection is controlled from
20 all directions by stop signs, the driver of the vehicle on the left shall
21 yield the right-of-way to the vehicle on his or her immediate right.

22 (d) (1) The driver of any vehicle approaching an intersection
23 ~~which~~ *that* has official traffic control signals that are inoperative
24 shall stop at the intersection, and may proceed with caution when
25 it is safe to do so. This subparagraph shall apply to traffic control
26 signals that become inoperative because of battery failure.

27 (2) When two vehicles enter an intersection from different
28 highways at the same time, and the official traffic control signals
29 for the intersection are inoperative, the driver of the vehicle on the
30 left shall yield the right-of-way to the vehicle on his or her
31 immediate right, except that the driver of any vehicle on a
32 terminating highway shall yield the right-of-way to any vehicle on
33 the intersecting continuing highway.

34 (3) *For purposes of this subdivision, an official traffic control*
35 *signal is inoperative when it does not show the correct indication*
36 *for a permitted movement.*

37 (e) This section does not apply to ~~any~~ *of* the following:

38 (1) ~~Any~~ intersection controlled by an official traffic control
39 signal or yield right-of-way sign.

1 (2) ~~Any~~ intersection controlled by stop signs from less than all
2 directions.

3 (3) When vehicles are approaching each other from opposite
4 directions and the driver of one of the vehicles intends to make, or
5 is making, a left turn.

6 SEC. 5. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

